

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONIDES PATRICK HERRERA,

Defendant.

Case No. 6:17-cr-00177-MC

**STIPULATION TO AMENDED
JUDGMENT OF TIME SERVED**

This matter is before the Court following the Ninth Circuit's order in *United States v. Herrera*, No. 19-30010 (9th Cir. Mar. 5, 2020), granting the government's unopposed motion to remand the case for resentencing. The parties have agreed based on the interests of justice to resolve the matter by entry of an amended judgment that:

- 1) Resentences Mr. Herrera to time served on Counts 1;
- 2) Omits reference to the Armed Career Criminal Act, 18 U.S.C. § 924(e); and
- 3) Reduces the term of supervised release from five years to three years.

The parties further agree that all other aspects of the original judgment and commitment order should remain the same.

Because Mr. Herrera's release plan has been reviewed and approved by the United States Probation Office, the parties agree that the amended judgment should be effective immediately and that Mr. Herrera should be released from custody.

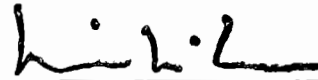
Having consulted with counsel, Mr. Herrera hereby waives any right that he has to an in-person hearing for resentencing and agrees to be resentenced in accordance with the terms of this stipulation in absentia.

Based on the above, and the Court concurring,

IT IS HEREBY ORDERED that an amended judgment and commitment order shall be prepared and entered forthwith in accordance with the stipulation of the parties as detailed above.

IT IS FURTHER ORDERED that the Bureau of Prisons shall release the defendant.

Dated this 23rd day of April, 2020.



Hon. Michael J. McShane
United States District Court Judge

Presented upon agreement of the parties by:

s/ Elizabeth G. Daily
Elizabeth G. Daily
Assistant Federal Public Defender

s/ Amy E. Potter
Amy E. Potter
Assistant United States Attorney